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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

INSTRUCTURE, INC., a Delaware
corporation,

Plaintiff/Counterclaim-Defendant,

vs.

CANVAS TECHNOLOGIES, INC., a
Delaware corporation, ,

Defendant/Counterclaim-Plaintiff.

**PLAINTIFF’S NOTICE OF
SUPPLEMENTAL EVIDENCE
RELEVANT TO PLAINTIFF’S
PRELIMINARY INJUNCTION
MOTION**

Civil No. 2:21-cv-00454-DAK-CMR

Judge Dale A. Kimball

Magistrate Judge Cecilia M. Romero

Plaintiff/Counterclaim-Defendant Instructure, Inc. (“Instructure”), by and through counsel, hereby provides notice of supplemental evidence relevant to Instructure’s preliminary injunction motion that came to Instructure’s attention only after the pleadings related to the preliminary injunction motion had been filed. Instructure filed its preliminary injunction motion on August 17,

2021, as ECF 13. Instructure filed its reply in support of its preliminary injunction motion on September 17, 2021, as ECF 38.

The supplemental evidence is relevant to Defendant's argument that "Instructure never took any enforcement action against [Canvas Talent]." *See* ECF 27 (Defendant's Opposition to Instructure's Preliminary Injunction motion) at page 10. The supplemental evidence consists of a letter that counsel for Instructure sent to Canvas Talent Inc. ("Canvas Talent"), the predecessor of Jobvite, on June 17, 2019 (**Exhibit 1**) and Canvas Talent's response, dated July 1, 2019 (**Exhibit 2**). Although these letters pre-date the filing of Instructure's preliminary injunction submissions to the Court, they only came to light after Defendant served discovery requests on October 22, 2021, requesting communications with Jobvite or its predecessor Canvas Talent. Defendant's discovery requests precipitated Instructure's search for documents regarding Jobvite/Canvas Talent that led to the recent discovery of this pertinent evidence.

DATED this 24th day of November, 2021.

DORSEY & WHITNEY LLP

/s/ Tamara L. Kapaloski

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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of November, 2021, a true and correct copy of the foregoing document was served on counsel of record via the Court's ECF system:

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